

Notice of Allowability

Application No.

10/084,403

Examiner

Russ Guill

Applicant(s)

SALMONSEN ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an after-final amendment filed April 30, 2007.
2. ☒ The allowed claim(s) is/are 3-7, 9-10, 12-16, 19-23, 25-26, 28, 30-32, 35-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINERS AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Lehrer on May 9, 2007.

The claims have been amended as follows:

Claim 35, line 6, the words, "the receipt" have been replaced with the word --receipt--.

Claim 35, line 10, the words, "the rendering" have been replaced with the words --rendering--.

Claim 30, line 4, the words, "said audio/visual system" have been replaced with the words --said player device--.

Claim 16, line 3, the words, "said at least one parameter" have been replaced with the words --said at least one parameter of said computer network--.

Claim 32, line 2, the words, "said at least one parameter" have been replaced with the words --said at least one parameter of said computer network--.

Allowable Subject Matter

2. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 - 32 and 35 - 42 are allowed over the prior art of record.
3. The following is an Examiner's statement of reasons for allowance:
 - a. As an initial summary, independent claims 35 and 40 are allowed over the prior art of record because, while the individual elements of the claimed invention may have been known in the art, the unique combination of features and elements of the claimed invention taken as a whole were not fairly taught or suggested by the prior art.
 - b. While Dujari (U.S. Patent Number 6,119,153) teaches an audio/visual device subsystem, and a rendering circuit facilitating presentation of selected content on the audio/visual system in a digital format native to the audio/visual system, and Gross (U.S. Patent Number 6,372,974) teaches a user interface facilitating receipt of a content selection via the user interface, and converting content into a digital native format, providing the converted content to a rendering circuit for presentation, none of these references taken either alone or in combination with the prior art of record teaches an audio/visual subsystem, specifically including:
 - i. Regarding claim 35, "an emulation circuit", "determining if the content resides on the device subsystem in the digital native

format and, if not, obtaining the content from another source in a format other than the digital native format, converting the content into the digital native format", "the emulation circuit thereby facilitating rendering of the received content by the rendering circuit as if the content was retrieved from the device subsystem in the digital native format",

in combination with the remaining features and elements of the claimed invention.

c. While Dujari (U.S. Patent Number 6,119,153) teaches a device subsystem, and determining if a content is accessible via the device subsystem, and if so, reading the content from the device subsystem, and if not, obtaining the content from another source, and rendering the content as though read from the device subsystem, and Gross (U.S. Patent Number 6,372,974) teaches receiving a content selection via a user interface, converting the content into a digital native format, rendering the content for presentation in the digital native format on the player device and displaying the content on the player device, none of these references taken either alone or in combination with the prior art of record teaches a method of facilitating selection and display of media content on a player device, specifically including:

- ii. Regarding claim 40, "determining if the content is accessible via the device subsystem in the digital native format", "if not, obtaining the content from another source in a format other than the digital native format, converting the content into the digital native format, rendering the content as though read from the device subsystem of the player device in the digital native format", in combination with the remaining features and elements of the claimed invention.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Remarks

5. Following further consideration resulting from the interview on April 25, 2007, the rejection of independent claim 35 under 35 USC 101 is withdrawn. Further, the amendments to independent claim 40 overcome the rejection under 35 USC 101.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russ Guill whose telephone number is

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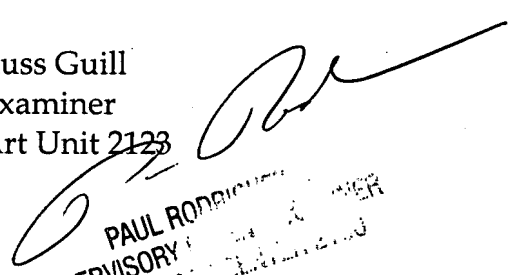
571-272-7955. The examiner can normally be reached on Monday – Friday 10:00 AM – 6:30 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG

Russ Guill
Examiner
Art Unit 2123


PAUL RODRIGUEZ
SUPERVISORY
TECHNOLOGY